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**Notice of Allowability**

Application No.

10/663,003

Applicant(s)

TALKEN, DANIEL J.

Examiner

Ghassem Alie

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 04/28/06.
2. ☒ The allowed claim(s) is/are 2-14.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment                               |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|   | 9. <input type="checkbox"/> Other _____.   |

*Election/Restrictions*

1. Claims 3-6, 10, 13, and 4 deemed allowable since they dependent from the independent claim 2 which is allowable. Therefore, claims 3-6, 10, 13, and 14, which were previously withdrawn, now rejoined with independent claim 2.

*Reasons for Allowance*

2. The following is an examiner's statement of reasons for allowance: The claims are allowable because prior art fails to teach that the storable transfer conveyor is placed over on top of the downstream conveyor and the downstream conveyor has powered pulling means for pulling the storable conveyor onto a substantial portion of the downstream conveyor as set forth in claim 2.

Regarding claim 2, Chen et al. (5,568,857), hereinafter Chen, Regarding claim 1, Chen teaches an efficient factory production line transition storable transfer conveyor system for selectively moving bundles from an upstream conveyor. Chen also teaches that the conveyor system includes an upstream conveyor end and a downstream conveyor end. Chen also teaches a storable transfer conveyor in a first operation position temporarily exclusively occupying a floor area and the air space there above and located adjacent to the upstream conveyor. Chen also teaches that the transfer conveyor in a first position impedes access by an operator between the upstream and down stream ends of the upstream conveyor. Chen also teaches that the transfer conveyor is positioned to selectively deliver workpieces to the downstream conveyor when the downstream conveyor is in operating position. Chen also teaches that the storable conveyor being selectively moveable to a second stored position in elevational juxtaposition with the downstream conveyor when the downstream conveyor is in

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the non-operating mode, substantially vacating the floor area and the air space there above formerly, temporarily, exclusively occupied by the storable transfer conveyor. Chen also teaches that the elevational lifting of the transfer conveyor permits free unimpeded access and travel by the operator through the floor area when the trouble transfer conveyor is in the second stored inoperative position.

However, Chen fails to teach that the storable transfer conveyor is placed over on top of the downstream conveyor and the downstream conveyor has powered pulling means for pulling the storable conveyor onto a substantial portion of the downstream conveyor as set forth in claim 2.

None of these references by themselves or in combination with the other prior art cited teach the claimed invention set forth in claim 2.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ghassem Alie whose telephone number is (571) 272-4501. The examiner can normally be reached on Mon-Fri 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on (571) 272-4502. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, SEE <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (too-free).



**BOYER D. ASHLEY**  
**SUPERVISORY PATENT EXAMINER**

GA/ga

May 4, 2006